IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:	§	
	§	
LAQUINTA INN & SUITES PARTNERSHIP	§	CAUSE NO. 15-10326
xx-xxx5502	§	(CHAPTER 11)
1700 S. Wheeler	§	
Jasper, Texas 75951	§	
DEBTOR	§	

FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES PURSUANT TO 11 U.S.C. § 330 IN CHAPTER 11 PROCEEDING

TO THE HONORABLE BANKRUPTCY JUDGE:

COMES NOW, The Maida Law Firm, P.C., Counsel for the Debtor in the above captioned proceeding, filing this Final Application for Compensation and Reimbursement of Expenses under 11 U.S.C. § 330 on behalf of The Maida Law Firm, P.C., as Counsel for Debtor, pursuant to Rule 2016 of the Bankruptcy Rules of Procedure and in support would show the Court as follows:

NOTICE REQUIRED BY LOCAL RULE 9007

NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR HEARING. THE COURT WILL THEREAFTER SET A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

1. This case was initiated by the filing of a Chapter 11 petition by the above Debtor on July 2, 2015.

2. The Maida Law Firm, P.C. makes this its Final Application pursuant to § 330 of the Bankruptcy Code and Rule 2016 of the Bankruptcy Rules of Procedure for professional services rendered by the Maida Law Firm, P.C. in the representation of the Debtor through the date of this application. The undersigned, as Counsel in this proceeding, was hired by the Debtor to represent him in the filing of plan of reorganization under Chapter 11 of the Bankruptcy Code.

The Maida Law Firm, P.C. began its employment on June 4, 2015 and continues through the present date.

3. The Maida Law Firm, P.C. has represented the Debtor in matters requiring legal assistance in the administration of this estate. Per the Interim Fee Application, and subsequent order entered 5/27/16, the Maida Law Firm, P.C. has received compensation of $13,402.00 in fees and $2,829.04 for expenses during its employment through April 28, 2016.

4. Pursuant to Rule 2016 of the Rules of Bankruptcy Procedure, the Debtor and Applicant present this Application seeking final compensation and reimbursement of expenses to The Maida Law Firm, P.C. covering the period from April 29, 2016 through the present.

5. The Maida Law Firm, P.C. has rendered substantial legal services to the Debtor. A brief summary of the nature and extent of the services performed by counsel is set forth below:

a) Various Consultations with Debtor regarding amendments; proof of claims, Monthly Operating Reports, Proposed Plan and Disclosure Statement;
b) Attendance at Disclosure Statement and Plan Confirmation hearings;
c) Conferences by phone and in person with Debtor regarding their case and confirmation issues;
d) Assisted the Debtor in other matters which required the assistance of an attorney;
e) Assisted in negotiations with creditors regarding repayment plan, etc.

6. In support of this final application, the Maida Law Firm would demonstrate that the factors to be considered in awarding compensation to professionals for services performed on behalf of the Debtor, as enumerated in the United States Bankruptcy Code and developed in case law, support this request for compensation of the fees in this case. 11 U. S. C. § 330 provides that an allowance of reasonable compensation for the actual, necessary, professional services should be based upon the time, nature, the extent and the value of the services rendered to the estate and the cost of comparable services.

7. The controlling case authority in the Fifth Circuit governing the Court's decision on the compensation sought in this Application is *Copper Liquor, Inc. v. Adolph Coors Co., 684 F.2d 1087 (5th Cir. 1982)*. See Also, *In Re: El Paso Refinery, L.P., 257 B.R.809, (Bankr.W.D. Tex. 2000).*

Copper Liquor directs the Court to determine the reasonable amount of compensation by considering the nature, the extent, and the value of the professional services as set forth in 11 U.S.C. §330. A discussion and analysis of the factors delineated in the 11 U.S.C. §330 applied to the services provided by the Maida Law Firm, P.C. in this case is set out below:

A.) **TIME SPENT ON SUCH SERVICES**:

The Maida Law Firm and its employees have rendered an additional 37.70 hours of legal services for the benefit of the Debtor since the approval of the interim fee application. With respect to fees and expenses covered in this final Application, the Applicant has attached an itemized billing statement for fees and expenses being attached as Exhibit "A" and incorporated for all purposes.

a) Actual fees incurred total Seven Thousand Six Hundred Sixty-Six and 00/100 Dollars.

b) During applicable period, the Maida Law firm and its employees expended a total of 37.70 hours, such hours being detailed on Exhibit "A".

c) Exhibit "A" contains detailed daily time entries of the services performed, the person performing the work and the applicable hourly rate for the employees performing the work.

d) During applicable period, The Maida Law Firm, P.C. reasonably incurred expenses of $233.43. An itemized list of the expenses is also shown on Exhibit "A" as required by Local Bankruptcy Rule 2016.

B.) **THE RATES CHARGED FOR SUCH SERVICES:**

The fee charged in this case was fixed at usual hourly rates. For comparison purposes the hourly rate charged by the Maida Law Firm, P.C. and its employees together with the corresponding initials as shown on the attached itemized statement are as follows:

Frank J. Maida	FJM	$300.00
Tagnia F. Clark	TFC	$200.00
Paralegal	KLR	$ 60.00

C.) **WHETHER SERVICES WERE NECESSARY TO ADMINISTRATION, OR BENEFICIAL AT TIME SERVICE WAS RENDERED TOWARD COMPLETION OF CASE**:

The Maida Law Firm, P.C. was retained by the Debtor to represent him in view of the complexity of the estate and diversity of claims, creditors and other parties in interest. A high degree of skill was required in rendering the services in this proceeding. The paramount factor that the Court should consider is that the services rendered by The Maida Law Firm, P.C. were beneficial to the Debtor. The Applicant respectfully maintains that such services rendered were beneficial to the Debtor.

D.) **WHETHER SERVICES WERE PERFORMED WITHIN A REASONABLE AMOUNT OF TIME COMMENSURATE WITH COMPLEXITY, IMPORTANCE, AND NATURE OF PROBLEM, ISSUE, OR TASK ADDRESSED:**

The Applicant respectfully maintains that such services rendered were performed within a reasonable amount of time as detailed on Exhibit "A" and were beneficial to the Debtor. The amounts involved in the subject matter and related matters were substantial and of importance to the Debtor and the Estate.

E.) **WHETHER THE COMPENSATION IS REASONABLE, BASED ON CUSTOMARY COMPENSATION CHARGED BY COMPARABLY SKILLED PRACTITIONERS IN CASES OTHER THAN CASES UNDER THIS TITLE:**

The fees requested in this application are customary for the degree of skill and expertise required in the performance of the legal services rendered in this case by experienced attorneys and other professionals in the Eastern District of Texas. The Applicant believes the fee charged is fair, reasonable and customary for fees at the time the services were rendered for services of a similar nature in related proceedings or other chapter proceedings involving the complexities and diversities of such a case and is a reasonable, customary and usual fee in the community for fees for legal services rendered by attorneys of similar expertise, experience, and skill. The Applicant has based this Application on an hourly fee based upon and in consideration of the above factors governing allowance of compensation to attorneys as made applicable in this Circuit.

The Attorneys believe that the fees sought are well within the range permitted by this Court as well as other Courts in cases of this type for representation of this nature. The Attorneys believe that the time expended has been worthwhile, necessary and beneficial to this estate, creditors and parties in interest in an effort to maintain an orderly progress of this case and to secure and protect as many assets for the benefit of the estate as possible to achieve a final resolution.

Frank J. Maida has had substantial expertise and experience in this area. He was admitted to the Texas Bar in 1979 and is board certified in Consumer Bankruptcy Law by the Texas Board of Legal Specialization and American Board of Certification. Mr. Maida's practice is 95% bankruptcy. He has represented the interest of many Debtors and has rendered services that are commensurate with the skill and expertise that they provide.

Tagnia F. Clark has had substantial expertise and experience in this area. She was admitted to the Texas Bar in 1998 and is an attorney whose practice is 95% bankruptcy. She is familiar with all aspects of bankruptcy proceedings. She has represented the interest of many Debtors and has rendered services that are commensurate with the skill and expertise that she provides.

Keri L. Richard is a paralegal/legal assistant who has substantial expertise and experience in bankruptcy. She is familiar with all aspects of Chapter 7, 11, 12, and 13 bankruptcy proceedings having handled bankruptcy matters for approximately thirty-two years. Her primary responsibilities include the preparation of petitions, schedules, motions, responding to motions and correspondence from the opposing side, and various other activities.

8. The services rendered by Counsel in this Application were performed entirely for the benefit of and on behalf of the Debtor and not for any other entity or person.

9. The Applicant states that the Maida Law Firm, P.C. has received the total sum of $16,231.04 in fees and expenses, pursuant to its First Interim Fee Application approved by this Court on or about 5/27/16. No agreement or understanding exists between any person, for the

sharing of compensation received or to be received for services rendered in or in connection with this case.

10. The services rendered and the expenses incurred by The Maida Law Firm, P.C. in this final application were performed entirely for the benefit of and on behalf of the Debtor and not for any other entity or person. Services for related entities or by other professionals for the estate (if any) have been segregated for separate application.

11. The Applicant certifies that she has reviewed this Final Application and believes that the elements governing awards of professional compensation and the guidelines promulgated by the Executive Office for United States Trustees have been met.

WHEREFORE, PREMISES CONSIDERED, the Applicant, The Maida Law Firm, P.C., respectfully prays that this Court award the compensation and reimbursement of expenses described above in this Final Application and pray that such compensation be disbursed to the Maida Law Firm, P.C. for the legal services rendered to the Debtor, all of which were incurred from April 29, 2016 through the present date.

DATED: May 16, 2017

Respectfully submitted,

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BY: */s/ Tagnia F. Clark*
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ATTORNEYS FOR DEBTOR